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VERMONT PUBLIC  
SERVICE BOARD

DEC 1 PM 12 04

December 1, 2014

Mrs. Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street, Fourth Floor  
Montpelier, Vermont 05620

Re: Petition of the Vermont Department of Public Service for an Investigation into the Adequacy of Telephone Operating Company of FairPoint Communications' Service Quality

Dear Mrs. Hudson:

Attached for filing are one original and six copies of a petition of the Vermont Department of Public Service requesting the Public Service Board open an investigation into the service quality of Telephone Operating Company of Vermont, LLC d/b/a FairPoint Communications.

If you have any questions, please feel free to contact me at (802) 828-4003. Thank you for your time and attention to this matter.

Sincerely,

Jim Porter

Senior Policy and Telecommunications Director

cc: Beth Fastiggi, Vermont State President  
Peter Zamore, Esq.



STATE OF VERMONT  
PUBLIC SERVICE BOARD

2014 DEC 1 PM 12 04

Petition of the Department of )  
Public Service for an Investigation into )  
The Adequacy of FairPoint's )  
Provision of Service Quality )      Docket No. \_\_\_\_\_

PETITION OF THE DEPARTMENT OF PUBLIC SERVICE  
FOR AN INVESTIGATION INTO THE ADEQUACY OF  
FAIRPOINT'S PROVISION OF SERVICE QUALITY

The Department of Public Service ("Department") petitions the Public Service Board ("Board") to open an investigation into the service quality of Telephone Operating Company of Vermont LLC, d/b/a/ FairPoint Communications ("FairPoint").

In support of its petition, the Department represents the following:

1. The Department brings the petition pursuant to 30 V.S.A. § 2. FairPoint is subject to the jurisdiction of the Board pursuant to 30 V.S.A. § 203 and 30 V.S.A. § 209.
2. Under its current Incentive Regulation Plan ("IRP"), FairPoint ceased operating under a Retail Service Quality Plan ("RSQP") that contained automatic penalties as FairPoint met at least 8 of the 10 Performance Areas for each of the three months prior to March 31, 2013.
3. FairPoint began operating under the Docket 5903 service quality standards in April 2013.
4. Since April 2013, FairPoint has failed to meet the baseline service quality standard for Troubles Cleared within 24 hours – Residence for 5 quarters.

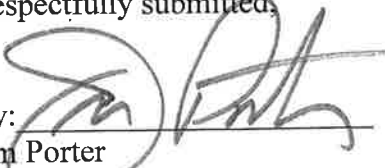
5. As of September 4, 2014, the Department had received in excess of 70 complaints regarding service interruptions and delays in repair at which time the Department delivered a letter to FairPoint explaining that unless FairPoint experienced a substantial decrease in service interruptions and delayed repair of service that the Department would request that the Board open an investigation. The Department further requested that FairPoint provide detailed information about all of the troubles that were reported for the months June, July, and August. This information was filed confidentially in early October, and included the time the trouble was reported and cleared, whether the customer was business or residential, and the reported fault code and actual cause determination.
6. On October 17, 2014, FairPoint's union workers in Northern New England called a strike.
7. On October 17, 2014, the Department again delivered a letter to FairPoint in which we expressed our concern that service quality sees no further degradation during the strike.
8. Between September 4, 2014 and November 30, 2014, the Department received 388 complaints regarding the service quality provided by FairPoint.
9. On November 28, 2014, between approximately 3:00 P.M. and 8:45 P.M., FairPoint experienced a network issue that resulted in the inability of many, if not all, of its customers in Vermont to place outbound calls, including to 911. This network issue endangered the public health, safety and welfare of Vermonters.
10. The inability of FairPoint to provide telephony service with adequate service quality is not reasonable or expedient, and does not promote the safety, convenience and accommodation of the public.

WHEREFORE, the Department asks that the Board:

- A. Open a docket in this matter and establish a schedule for this proceeding, including for the filing of prefiled testimony and exhibits; and
- B. Take such other measures as in the Board's judgment are necessary for a full resolution of this petition.

Dated at Montpelier, Vermont this 1<sup>st</sup> day of December, 2014.

Respectfully submitted,



By:

Jim Porter

Senior Policy & Telecommunications Director

cc: Beth Fastiggi, Vermont State President  
Peter Zamore, Esq.